



# Public Notice

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**U.S. Army Corps  
Of Engineers  
Galveston District**

Permit Application No: \_\_\_\_\_ 23056  
Date Issued: \_\_\_\_\_ 1 December 2003  
Comments Due: \_\_\_\_\_ 2 January 2004

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**U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT  
AND  
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

**PURPOSE OF PUBLIC NOTICE:** To inform you of a proposal for work in which you might be interested. It is also to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest. We hope you will participate in this process.

**AUTHORITY:** This application will be reviewed pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act.

**APPLICANT:** Coastal Bend Bays & Estuaries Program (CBBEP)  
1305 North Shoreline Boulevard, Suite 205  
Corpus Christi, Texas 78401-1500

**AGENT:** Turner, Collie & Braden, Inc.  
P.O. Box 130089  
Houston, Texas 77219-0089  
Telephone: 713-267-3262  
POC: Georganna Collins

**LOCATION:** The project is located at Indian Point Park, in Portland, Texas, south of the U.S. 181 Causeway, between Corpus Christi Bay and Nueces Bay. The project can be located on the U.S.G.S. quadrangle map entitled: Portland, Texas. Approximate UTM Coordinates: Zone 14; Easting: 661640; Northing: 3081303.

**PROJECT DESCRIPTION:** The applicant proposes to stabilize 2,100 feet of eroding shoreline by constructing a curved, offshore breakwater that would be 1,720 feet long and +2 to +6 feet high mean low tide (MLT) and backfilling a portion of the 19-acre area between it and the existing shoreline to intertidal elevations sufficient to support the establishment of marsh vegetation. The

breakwater would be located between 300 to 750 feet offshore extending from an existing rock jetty southeast to the existing beach shoreline at the northwestern end of the project site. The entire project would result in filling of 4.5 acres of shallow water habitat in Corpus Christi Bay. Depths in the project area range from 0 to -3 feet MLT. The applicant states that submerged aquatic vegetation is not present within the project site. Two possible breakwater design options are proposed:

Option A: The offshore breakwater would be constructed of rock-filled wire gabions. Approximately 1,300 linear feet of the breakwater would be +6 MLT feet high and the remainder of the breakwater would be +2 feet high MLT to permit tidal exchange. The breakwater would be placed on a scour pad that would be 12 to 15 feet wide and 1 foot high with allowance for 0.5 to 1.0 foot for settling. The gabion breakwater would cover 0.6 acre of shallow water habitat.

Option B: (applicant's preferred option) The offshore breakwater would be constructed of 15,000 cubic yards of loose rock riprap. Approximately 1,300 linear feet of the breakwater would be +6 feet high MLT and 44 feet wide; the remainder of the breakwater would be +2 feet high MLT and 29 feet wide. The riprap breakwater would cover approximately 1.7 acres of shallow water habitat.

Approximately 2.8 acres of shallow water habitat in Corpus Christi Bay behind the breakwater, would be backfilled to +5 feet MLT using 23,000 cubic yards of sand imported from designated inland commercial sources. The backfilled area would create an island that would provide an opportunity for a mix of vegetation to become established and bare ground area for nesting substrate. Fill material would be deposited by dump truck on the fill site and allowed to distribute throughout the area by wind and wave action. The remaining 15 acres behind the breakwater would be left as an open water lagoon. Construction access would be through the northwestern corner of the project site adjacent to the frontage road of US 181 where there is an existing gravel area, and from the existing parking lot at the southeastern corner near the concession building and fishing pier. Construction staging for equipment and material storage will be located in uplands onsite to avoid impacts to existing waters of the United States, including wetlands. All work would be from the land and breakwater as it is constructed. All construction access and staging areas would be restored to pre-project contours after project completion.

To compensate for the direct impact of approximately 4.5 acres of sub-tidal area, the proposed mitigation would be the habitat enhancement resulting from the project implementation, which will result in the creation of a calm, protected, shallow open water lagoon within the Corpus Christi Bay that could support seagrass beds, the construction of a 4.0-acre sand island adjacent to the breakwater that will support approximately 2 acres of intertidal marsh and mixed woody vegetation, and the preservation of approximately 21 acres of existing marsh, shallow water lagoons, and associated habitats with mixed vegetation within the park from ongoing erosion. The breakwater and sand backfill would be monitored quarterly for re-vegetation during the first growing season and then twice a year for subsequent monitoring periods as specified by the Corps. The applicant would maintain the site and be responsible for maintenance activities, including erosion control, site protection, fencing, and signage.

The stated project purpose is: 1) protection of the existing shoreline from wind and wave driven erosion, and 2) protection of the remaining marsh and associated coastal habitats adjacent to the shoreline. The applicant's plans are enclosed in 7 sheets.

**NOTES:** This public notice is being issued based on information furnished by the applicant. This information has not been verified.

A preliminary review of this application indicates that an Environmental Impact Statement (EIS) is not required. Since permit assessment is a continuing process, this preliminary determination of EIS requirement will be changed if data or information brought forth in the coordination process is of a significant nature.

Our evaluation will also follow the guidelines published by the U.S. Environmental Protection Agency pursuant to Section 404 (b)(1) of the Clean Water Act (CWA).

**OTHER AGENCY AUTHORIZATIONS:** Texas Coastal Zone consistency certification is required. The applicant has stated that the project is consistent with the Texas Coastal Management Program goals and policies and will be conducted in a manner consistent with said Program.

**STATE WATER QUALITY CERTIFICATION:** This project would result in a direct impact of greater than three acres of waters of the state or 1500 linear feet of streams (or a combination of the two is above the threshold), and as such would not fulfill Tier I criteria for the project. Therefore, Texas Commission on Environmental Quality (TCEQ) certification is required. Concurrent with U.S. Army Corps of Engineers (Corps) processing of this application, the TCEQ is reviewing this application under Section 401 of the CWA and in accordance with Title 30, Texas Administrative Code Section 279.1-13 to determine if the work would comply with State water quality standards. By virtue of an agreement between the Corps and the TCEQ, this public notice is also issued for the purpose of advising all known interested persons that there is pending before the TCEQ a decision on water quality certification under such act. Any comments concerning this application may be sub-mitted to the Texas Commission on Environmental Quality, 401 Coordinator, MSC-150, P.O. Box 13087, Austin, Texas 78711-3087. The public comment period extends 30 days from the date of publication of this notice. A copy of the public notice with a description of work is made available for review in the TCEQ's Austin office. The complete application may be reviewed in the Corps office. The TCEQ may conduct a public hearing to consider all comments concerning water quality if requested in writing. A request for a public hearing must contain the following information: the name, mailing address, application number, or other recognizable reference to the application; a brief description of the interest of the requester, or of persons represented by the requester; and a brief description of how the application, if granted, would adversely affect such interest.

**NATIONAL REGISTER OF HISTORIC PLACES:** The staff archaeologist has reviewed the latest published version of the National Register of Historic Places, lists of properties determined eligible, and other sources of information. The following is current knowledge of the presence or absence of historic properties and the effects of the undertaking upon these properties:

A historic properties investigation has been conducted within the permit area. No sites determined eligible for or listed on the National Register of Historic Places are within the permit area or affected area.

**THREATENED AND ENDANGERED SPECIES:** Threatened and/or endangered species or their critical habitat may be affected by the proposed work. Consultation with the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service will be initiated to assess the effect on endangered species.

**ESSENTIAL FISH HABITAT:** This notice initiates the Essential Fish Habitat consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Our initial determination is that the proposed action would not have a substantial adverse impact on Essential Fish Habitat or Federally managed fisheries in the Gulf of Mexico. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

**PUBLIC INTEREST REVIEW FACTORS:** This application will be reviewed in accordance with 33 CFR 320-330, the Regulatory Programs of the Corps of Engineers, and other pertinent laws, regulations and executive orders. The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the proposal, will be considered: among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs and, in general, the needs and welfare of the people.

**SOLICITATION OF COMMENTS:** The Corps of Engineers is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Impact Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

This public notice is being distributed to all known interested persons in order to assist in developing facts upon which a decision by the Corps of Engineers may be based. For accuracy and completeness of the record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition.

**PUBLIC HEARING:** Prior to the close of the comment period any person may make a written request for a public hearing setting forth the particular reasons for the request. The District Engineer will determine whether the issues are substantial and should be considered in the permit decision. If a public hearing is warranted, all known interested persons will be notified of the time, date, and location.

**CLOSE OF COMMENT PERIOD:** All comments pertaining to this Public Notice must reach this office on or before **2 January 2004**. Extensions of the comment period may be granted for valid reasons provided a written request is received by the limiting date. **If no comments are received by that date, it will be considered that there are no objections.** Comments and requests for additional information should be submitted to:

Mark Pattillo  
Regulatory Branch, CESWG-PE-RCC  
U.S. Army Corps of Engineers  
5151 Flynn Parkway, #306  
Corpus Christi, Texas 78411-4318  
361-814-5847 Phone  
361-814-5912 Fax

DISTRICT ENGINEER  
GALVESTON DISTRICT  
CORPS OF ENGINEERS